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**IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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UTAH VAPOR BUSINESS ASSOCIATION,  
INC., a Utah nonprofit corporation, *et al.*,

Plaintiffs,

vs.

STATE OF UTAH, *et al.*,

Defendants.

***EX PARTE* MOTION FOR LEAVE TO  
FILE OVERLENGTH BRIEF**

Case No. 2-24-CV-00950-DBB-JCB

Judge David B. Barlow  
Magistrate Judge Jared C. Bennett

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Pursuant to DUCivR 7-1, Plaintiffs Utah Vapor Business Association, Inc., and The Smoke House, LLC (“**Plaintiffs**”), through counsel, respectfully move the Court, *ex parte*, for an Order granting this Motion for Leave to File an Overlength Motion for Injunction Pending Appeal (the “**Motion**”). Plaintiffs request leave to file a reply consisting of no more than 7,000 words.

Under DUCiv7-1(a)(4)(D)(i), a motion filed under Fed. R. Civ. P. 62 are limited to 3,100 words or ten (10) pages. However, the Motion requires Plaintiffs to brief in-depth legal arguments that are nearly identical to the legal standards raised in a motion for temporary restraining order or preliminary injunction filed under Fed. R. Civ. P. 65, which is generally allotted 7,750 words of 25 pages. DUCiv7-1(a)(4)(C)(i). As such, Plaintiffs require additional pages to address the legal arguments required when seeking an injunction pending an appeal.

Accordingly, Plaintiffs respectfully request that the Court grant this *Ex Parte* Motion for Leave to File Overlength Brief and permit Plaintiffs to submit a reply brief that is up to 7,000 words.

Dated: May 19, 2025.

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/s/ Walter A. Romney

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 19, 2025, I caused the foregoing ***EX PARTE MOTION***  
**FOR LEAVE TO FILE OVERLENGTH BRIEF** to be e-filed which in turn caused  
notification of such filing to be sent to the following counsel who are identified as e-filers with  
this Court:

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